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SUBJECT: GOC ACTIONS TO PROTECT HUMAN RIGHTS

REF: BOGOTA 9445

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SUMMARY  
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¶1. The GOC took important steps over the last five months to strengthen human rights protections. The Prosecutor General's Office (Fiscalia) and military signed an agreement (MOU) on June 14 giving the Fiscalia the responsibility to investigate cases of alleged military abuses of human rights and to make a preliminary determination on jurisdiction. Fiscalia officials say the MOU is working well. Defense Minister Santos announced an initiative to reform the Military Penal Justice System (MPJ) and appointed the first civilian, a woman, to head the MPJ. The GOC made 14 arrests in three cases of alleged extrajudicial killings over the past two months and issued an implementing decree on the Justice & Peace law (JPL) that closely tracks the May Constitutional Court ruling on the JPL. On October 17, the GOC, with labor support, dedicated almost 100 prosecution personnel to combat violence against trade unionists. End summary.

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PROSECUTOR GENERAL AND MOD SIGN JURISDICTIONAL MOU...  
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¶2. On June 14, the Fiscalia signed a memorandum of understanding (MOU) with the Ministry of Defense (MOD) giving the Fiscalia the conduct of all investigations of alleged human rights violations committed by the military as well as the authority to make the initial decision on jurisdiction. The GOC has applied a 1997 court decision, which ordered the civilian courts to handle alleged human rights violations committed by the military, but which did not preclude the military and civilian courts from disagreeing over what constituted human rights violations. In such cases, the Supreme Judicial Court made the final jurisdictional ruling. These disputes lead to time-consuming jurisdictional battles, with both the military and civilian courts wasting valuable resources conducting separate, conflicting investigations. The MOU does not settle all jurisdictional issues, but it eliminate investigative conflicts. Fiscalia International Affairs director Maria Cabal told us September 29 the MOU is working well. The Fiscalia and the MOD signed the MOU after the army's killing of 10 police officers in Jamundi in May.

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..AND FURTHER MILITARY JUSTICE REFORM ON THE WAY  
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¶3. In October, Minister of Defense Juan Manuel Santos announced that reform of the Military Penal Justice System

(MPJ) would be a top priority. He also appointed the first civilian, Luz Marina Gil, to head it. She began duties on October 4. Under the reform proposal, MOD Santos formed a working group with participation from the US, UK, Dutch, Spanish, and Swedish governments.

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#### EXTRAJUDICIAL KILLING ALLEGATIONS LEAD TO 14 ARMY ARRESTS

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¶4. In September, the Fiscalía arrested an officer, a noncommissioned officer (NCO), a corporal, and two soldiers for their alleged role in an October 2005 extrajudicial killing. They also arrested an officer, an NCO, and six soldiers for their alleged role in an extrajudicial killing in February 2004. In August, the Fiscalía arrested an NCO and three soldiers implicated in an August 2003 extrajudicial killing.

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#### JUSTICE & PEACE LAW IMPLEMENTING DECREE WELL RECEIVED

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¶5. On September 29, the GOC published a Justice and Peace Law implementing decree, which has garnered positive reaction from the public and human rights watchers. The decree closely tracks the Constitutional Court decision issued on May 13, and incorporates many of the concerns the Ambassador raised with senior GOC officials. The decree, for example, includes a provision requiring demobilized paramilitaries to provide a full and truthful account of their criminal activities.

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#### PROSECUTOR GENERAL PURSUES OFFICIALS WITH PARAMILITARY TIES

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¶6. The Fiscalía is investigating and arresting government officials tied to ex-paramilitary leader, "Jorge 40". In September, the Fiscalía arrested four deputies in Sucre Department linked to the murder of Professor Alfredo Correa de Andreis in Barranquilla. The Prosecutor General's Office also provided evidence to the Supreme Court of Justice, the institution that reviews criminal cases against members of Congress, against three senators implicated in Jorge 40's files: Dieb Maloof, David Char, and Javier Caceres. In addition, the GOC formally announced the launch of an investigation of Jorge 40 for murder and began the trial of a key Jorge 40 lieutenant. The investigation based on Jorge 40's computer has just begun; we expect more arrests in the future.

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#### GOC, LABOR LEADERS LAUNCH NEW PROJECT TO COMBAT IMPUNITY

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¶7. On October 17, the GOC implemented a new, 1.5 million USD program to dedicate almost 100 investigative and prosecutory personnel to approximately 150 cases of violence against trade unionists, selected by three trade confederations. The initiative involves 14 specialized teams consisting of one prosecutor, three Investigative Body (CTI) investigators, and three national police officers. All three trade confederation heads praised the accord, with the United Worker's Confederation (CUT) president Carlos Rodriguez proclaiming, "Never, in the history of Colombia, have we achieved something so important to fight impunity." The project is one of the provisions of the ILO Tripartite Accord signed in Geneva last May, and is aimed at eventually ending the backlog of 1,165 cases of violence against trade unionists, collectively referred to as "ILO Case 1787."

DRUCKER